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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,397	06/28/2001	Claude Chapel	PF 980092	4292

7590

08/25/2006

Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
CN 5312  
Princeton, NJ 08543-0028

EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,397

Applicant(s)

CHAPEL ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. The RCE, filed 07/27/2006, have been entered and made of record. Claims 1-10 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection sets forth below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 7/19  
8/21/06  
4. Claims <sup>1-2, 5, and 7-10</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by Isaka (US Pat. No. 5,706,388).

Regarding claim 1, Isaka discloses a process for recording a digital video and audio data stream wherein recording being carried out on a medium organized in the form of logic blocks in series and comprising a recording and reading head (see fig. 2 components 5a, 6a and 7a and fig. 3, and col. 5 lines 59-64), said process comprises the steps of:

recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block (see col. 4 lines 54-58, col. 6 lines 6-24, and fig. 3):  
and

following the triggering of the reading of the recorded data, alternately reading a continuous series of said previously recorded blocks and continuing the recording of data in said unrecorded blocks immediately following the blocks read (see col. 5 lines 18-33 and 48-51 and abstract).

Regarding claim 2, Isaka discloses when the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a non-interlaced manner (see abstract).

Regarding claim 5, Isaka discloses the recording of data is performed in a group of N contiguous blocks ( $N > 1$ ) (see fig. 1 and col. 6 lines 6-12).

Regarding claim 7, Isaka discloses a digital television receiver comprising means for receiving a digital audio and video data stream (see fig. 1), comprising:

a recording medium furnished with a recording and reading head, said medium being organized in the form of logic blocks in series (see figures 2 and 3);

a control circuit for managing the writing and the reading of blocks of the recording medium (see fig. 2);

an interfacing circuit for interfacing the recording medium with said control circuit, said control circuit adapted to control the recording of data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block, following the triggering of the reading of the recorded data, the alternate reading of a continuous series of said previously recorded blocks and the continuing of the recording of data in said unrecorded blocks immediately following the blocks read (see figs. 1-3 and rejection of claim 1).

Claim 8 is rejected for the same reason as discussed in claim 5 above.

Regarding claims 9 and 10, the limitation of claims 9 and 10 can be found in claim 1 above. Therefore claims 9 and 10 are rejected for the same reason as discussed in claim 1 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Isaka in view of Official Notice.

Regarding claims 3-4, claims 3 and 4 differ from Isaka in that the claims further requires the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a loop in the block previously read and blocks are read and rewritten in a non-interlaced manner. Although Isaka does not specifically disclose the set of blocks recorded before the triggering of reading have been read, recording is continued in contiguous blocks in a loop in the block previously read and blocks are read and rewritten in a non-interlaced manner, Isaka discloses the recording and reproducing operations are performed alternately. Isaka further discloses the recording/reproducing head moves after the recording in the  $n_{th}$  block completed (see col. 6 lines 13-24). Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isaka by rewriting data on a block previously read and reproduce in order to use same blocks.

7. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Isaka in view of Ogawa (US Pat. No. 6,115,799).

Regarding claim 6, claim 6 differ from Isaka in that the claim further require detecting sequences of free blocks on the medium for applying said steps of recording and reading.

Although Isaka does not specifically disclose detecting sequences of free blocks, Isaka discloses the sequences of blocks in fig. 3 are free and predetermined data can be recorded on them (see col. 6 lines 6-12).

In the same field of endeavor Ogawa discloses successive free blocks are detected during search. Ogawa further discloses further discloses recording operation is performed by recording means (see claim 9). Therefore in light of the teaching in Ogawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isaka by detecting a free area in order to record data of predetermined size on the searched area.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barton et al (US Pat. No. 6,233,389 and 6,327,418)

Van Gestel et al (US Pat. No. 7,016,599).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
August 18, 2006



JAI TAM  
PRIMARY EXAMINER